

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CARL D. WELLS,

09 Civ. 10309 (JGK)

Petitioner,

ORDER

- against -

MICHAEL HOURIHANE, Warden,  
Anna M. Kross Center Correctional  
Facility,

Respondent.

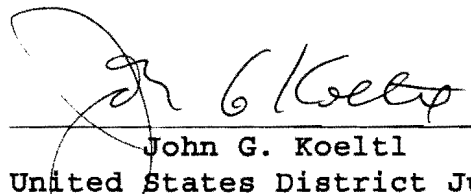
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JOHN G. KOELTL, District Judge:

The Court has reviewed the Report and Recommendation of Magistrate Judge Francis recommending that the petition for a writ of habeas corpus be dismissed because the petitioner is no longer in custody pursuant to the conviction that he challenges. The petitioner has objected but has failed to explain why he is in fact currently in custody pursuant to the conviction. Therefore, on de novo review, the Court adopts the Report and Recommendation. The Clerk is directed to dismiss the petition for lack of jurisdiction. The Clerk is directed to enter judgment and to close this case.

SO ORDERED.

Dated: New York, New York  
March 24, 2011

  
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John G. Koeltl  
United States District Judge

